IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD
(Special Original Jurisdiction)

WEDNESDAY, THE TWENTY NINTH DAY OF AUGUSY
TWO THOUSAND AND SEVEN

PRESENT

**THE HON'BLE MS JUSTICE G.ROHINI**

**WRIT PETITION No.15564 OF 2007**

Between:

Sri Venkateswara Boatsmen and Sand Workers
Labour Contract Cooperative Society.

**.... PETITIONER**

AND

The Government of A.P., Department of
Mines and Geology, Secretariat Buildings,
Hyderabad, rep. By its Secretary and others.

**....RESPONDENTS**

**THE HON'BLE MS JUSTICE**
**G.ROHINI**

**WRIT PETITION NO.15564 OF 2007**

**O R D E R**

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In response to the tender notice dated 28.06.2007 issued by the second respondent inviting sealed tenders for grant of leasehold rights to quarry sand in Reach No.7 (Aurangabad) under the provisions of the A.P.Minor Mineral Concession Rules, 1966 (for short 'the Rules'), the petitioner society as well as the fifth respondent society herein submitted their bids. As per the schedule, the auction was conducted on 19.07.2007 in which the bid of the fifth respondent society for Rs.20,07,999/- was found to be the highest. Accordingly, the fifth respondent society was declared as the successful bidder. At that stage, the petitioner society submitted a representation claiming preference under Rule 9-C of the Rules as amended by G.O.Ms.No.84, dated 10.04.2007 on the ground that it is a local boatsmen Cooperative Society and also expressing its willingness to deposit the bid amount offered by the fifth respondent society. Alleging that the respondents 2 to 4 failed to consider the representation of the petitioner society, this writ petition has been filed seeking a declaration that the action of respondent Nos.2 to 4 is arbitrary and illegal.

A counter-affidavit has been filed by the Respondent No.4 stating that both the petitioner society and the fifth respondent society failed to submit any document to show that they are registered societies under the A.P. Cooperative Societies Act. It is stated that since both of them failed to submit the certificates from the Divisional Cooperative Officer as required under Rule 9-C of the Rules, they were considered as individuals while conducting the auction on 19.07.2007.

Despite notice, there is no appearance on behalf of the fifth respondent society.

The material available on record shows that the petitioner society has made a representation on 19.07.2007 before the respondent Nos.2 and 3 claiming preference as provided under Rule 9-C of the Rules. The learned Government Pleader on instructions states that the said representation is still under consideration by Respondent Nos.2 and 3.

In the circumstances, without expressing any opinion as to the preference claimed by the petitioner, the writ petition is disposed of with a direction to the respondent Nos.2 and 3 to consider the representation of the petitioner society dated 19.07.2007 and pass appropriate orders in accordance with law after giving an opportunity to the fifth respondent society to raise its objections, if any. Such exercise shall be completed, as expeditiously as possible, preferably within a period of two weeks from the date of receipt of a copy of this order. Till such time, the auction conducted on 19.07.2007 shall not be confirmed.

With the above direction, the writ petition is disposed of. No costs.

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**29TH AUGUST, 2007**

**PGS**

THE HON'BLE MS JUSTICE
G.ROHINI

WRIT PETITION NO.15564 OF 2007

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29TH AUGUST, 2007